

APPEAL NO. 020546
FILED APRIL 18, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 13, 2002. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of _____, does not include right rib fractures and a mass in the right breast, and that the claimant had disability resulting from the compensable injury of _____, from November 28, 2000, through December 4, 2000. The claimant appealed and the respondent (carrier) responded.

DECISION

The hearing officer's decision is affirmed.

It is undisputed that the claimant sustained a compensable injury on _____. The claimant had the burden of proof on the disputed issues regarding the extent of the compensable injury and disability as defined by Section 401.011(16). The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's determinations on the disputed issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The claimant states in her appeal that during a short recess at the CCH she saw the hearing officer talking to the opposing party. However, that assertion provides no basis for reversal because the claimant gives no indication of what, if anything, was said, and because the record reflects that immediately after the recess the hearing officer asked each party if they had talked with him about the case while the tape was off and each party answered that they had not, and the claimant made no mention at that time of having seen the hearing officer talking to the carrier's attorney during the recess.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750
COMMODORE 1
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Susan M. Kelley
Appeals Judge